

**NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS**

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.
---

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

LATRICIA TERRELL,

Plaintiff and Respondent,

v.

MARTHA GUERRA,

Defendant and Appellant.

B285174

(Los Angeles County  
Super. Ct. No. 17STRO01396)

APPEAL from a judgment of the Superior Court of Los Angeles County, Laura Hymowitz, Commissioner. Affirmed. Martha Guerra, in pro. per., for Defendant and Appellant. Jovan Blacknell for Plaintiff and Respondent.

\*\*\*\*\*

Martha Guerra challenges a civil harassment restraining order against her. We affirm.

## I

We summarize the facts, resolving conflicts of evidence in favor of prevailing party Latricia Terrell. We draw all reasonable inferences in support of the trial court's order. We credit declarations favoring Terrell. (See *Parisi v. Mazzaferro* (2016) 5 Cal.App.5th 1219, 1226.)

Guerra lived across the street from the Terrells. She harassed and stalked them for years. She repeatedly followed them around the block in her car and yelled obscenities at them when they left their home. Guerra's verbal attacks were profane. She yelled "Sterile bitch! Sterile bitch! Sterile bitch! Never have kids, never!" at Latricia Terrell and shouted her mother was a "whore."

Guerra also sent many racist, obscene, and threatening texts to the Terrells.

We preface the following account by noting Guerra texted a version of the N-word that replaced "er" with "a." We include the extent of repetition and this particular spelling because both are pertinent.

Guerra called Latricia Terrell "Broke ass nigga," "Bitch ass nigga," and "Ghetto bitch." On Mother's Day, Guerra sent Terrell a text message saying "Happy nigga whore day...U fuck just to fuck cause nothing coming out if the female testicles u got." (We quote Guerra's texts exactly as they appear in the record, including their strings of periods.) She sent Terrell's husband a text message the same day: "Nigga.... How a nigga named Alberta looked with her legs spread up on a day like today....nothing for nigga Latricia ....bare female testicles..... Dust coming out of there[.]" Alberta was Terrell's husband's deceased grandmother.

The language and subjects of the text messages, many of which focused on Latricia Terrell's supposed infertility, matched the language Guerra used in her face-to-face verbal attacks. The timing and content of other texts showed their author was contemporaneously observing and commenting on Terrell's whereabouts and actions. Guerra thus crafted her texts to demonstrate to the Terrells she was watching them.

For instance, when Terrell and family members left the house one morning, Guerra sent two text messages: "Nigga... Nigga... Nigga... On the road" and "1Nigga....2nigga... 3nigga[.]" Days earlier, Terrell hosted a party in her backyard. When guests began arriving, Guerra texted Terrell: "Nigga... Nigga.. Nigga... They arriving.... Follow afterwards." She also texted throughout the day: "Old broke ass motherfuckers" and "Perfect weather ...hahahaha.. Broke ass nigga... Too broke to rent an upscale spot...old motherfuckers freazingggggggg nigggggga." On another occasion, after a delivery person put packages on Terrell's porch, Guerra texted Terrell's husband: "Nigga...nigga...nigga...speeding away."

Guerra also threatened to visit Terrell's aged mother and seemed to have information about Terrell's family members, including their names and addresses. She referred to Terrell's husband's "bitch ass sisters" in her text messages, and asked him "how ... are those bitches doing" and "How's your bitch sister Stephanie" in person. The Terrells feared what Guerra would do with this information.

This behavior continued without any break from 2012. It intensified in 2017. The Terrells went to the police several times. They filed a police report on May 18, 2017, along with video and text message evidence documenting Guerra's actions.

## II

The procedural posture is straightforward. On July 19, 2017, Terrell filed a civil harassment restraining order petition and temporary restraining order petition against Guerra. The trial court granted the temporary restraining order.

At an August 24, 2017 hearing, the court heard Latricia Terrell's request for a permanent order. Both sides were represented by counsel. Terrell recounted Guerra's name-calling and said she had recorded Guerra's "sterile bitch" diatribe. The court said "I would like to hear that." Terrell replied "I have a lot of videos" and then played one.

The court reporter did not transcribe the video and its contents are not in the record. Guerra's counsel said he had seen the video. Guerra's counsel neither objected to the video being played nor sought to preserve it for the record. He did ask if he could question Guerra about the video and the court answered "Sure."

Responding to her counsel's question, Guerra said a man who was a friend of the "Claytons" had come to her property, exposed himself, and urinated on Guerra's tree, so Guerra sprayed him with a hose. The man punched Guerra and "put the water hose down my mother's throat and almost drowned her."

Guerra's response, while arresting, did not refer to the Terrells or to Latricia Terrell's offer of proof, which was that the video showed Guerra abusing Latricia Terrell.

After some further back and forth, the trial court stated, "Based on what I've heard, the court is going to find that Ms. Guerra is harassing and upsetting her neighbors, in particular, Ms. Terrell. That language is pretty horrendous." The court made further findings and issued the order Guerra now challenges.

Another neighbor, Diane Clayton, also filed for a restraining order against Guerra on July 19, 2017. The hearing on Clayton's restraining order, which the same trial court granted, immediately preceded the hearing in Terrell's restraining order. Guerra filed a notice of appeal in that case as well, but failed to file an opening brief. That appeal was dismissed.

Guerra requests judicial notice of the entire trial court record from Clayton's restraining order case, Los Angeles Superior Court Case No. 17STRO01395. Terrell did not oppose the request. We grant the request and take judicial notice of that record. (See Evid. Code, § 452, subd. (d).)

### III

We review a restraining order for abuse of discretion and the factual findings necessary to support the order for substantial evidence. (*Parisi v. Mazzaferro, supra*, 5 Cal.App.5th at p. 1226.) Guerra incorrectly argues the restraining order lacks substantial evidentiary support.

Harassment warranting a restraining order is knowing and willful conduct “directed at a specific person that seriously alarms, annoys, or harasses the person, and that serves no legitimate purpose.” (Code Civ. Proc., § 527.6, subd. (b)(3).) The conduct must “cause a reasonable person to suffer substantial emotional distress, and must actually cause substantial emotional distress to the petitioner.” (*Ibid.*)

There was harassment here. Taunts about infertility, profanity on Mother's Day about a deceased grandmother, repetitively assaultive incantations of the N-word—this evidence was substantial. This record meets every legal requirement with substantial evidence.

Guerra's appeal makes other claims as well. She says the court restricted her presentation of evidence at the hearing, but the

reporter's transcript is wholly to the contrary. Guerra asserts the court merely skimmed Guerra's written submission but there is no sign of that in the transcript either. She likewise complains the court relied on improper evidence, and while her lawyer filed evidentiary objections to nearly every page of Terrell's declaration in the restraining order petition, at the hearing her lawyer never asked the court to rule on this mass of written objections. Making blanket objections to every statement with no showing of restraint or professional judgment is an abusive practice. (*Cohen v. Kabbalah Centre International, Inc.* (May 7, 2019, B284446) \_\_ Cal.App.5th \_\_ [2019 WL 2004009].) Guerra also denies stalking or texting the Terrells but the court found to the contrary on the basis of clear and convincing evidence. Guerra discusses an exhibit concerning supposedly lynched dolls or figures but this seems to be from a different case than this one.

#### **DISPOSITION**

The judgment is affirmed. Terrell is awarded costs on appeal.

WILEY, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.